Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of	)	
	)	
IP-Enabled Services	)	WC Docket No. 04-36
	)	
E911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196
	)	
	)	

PETITION FOR EXTENSION OF TIME AND LIMITED WAIVER

William B. Wilhelm, Jr.
Tamar E. Finn
Eliot J. Greenwald
Edward S. Quill, Jr.
Swidler Berlin LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Telephone: (202) 424-7500
Facsimile: (202) 424-4645

Attorneys for Vonage America Inc.

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SUMMARY

Vonage America Inc. ("Vonage") shares the Commission's goal—to deploy E911 service for all subscribers as soon as possible—and has dedicated considerable resources towards turning up an E911 system faster than anyone believed feasible. Vonage has undertaken painstaking efforts to develop and acquire the systems, capabilities, methods and procedures to provide E911 services in a fully nomadic environment. As of today, the Commission, and Vonage, are on track to achieve the fastest nomadic E911 deployment yet.

Even before the Commission released its First Report and Order ("*Order*") in the *IP-Enabled Services* proceeding, Vonage was hard at work planning the development of an E911 solution for nomadic Voice over the Internet Protocol ("VoIP") services. For example, Vonage offered its customers a 9-1-1 dialing service beginning in April, 2003, was an original signatory to the NENA/VON Coalition agreement on VoIP call delivery, and turned up E911 service in Rhode Island in November 2004 and in New York City in July 2005.

In order to meet its obligations under the *Order*, Vonage has allocated significant resources and personnel toward deploying a nomadic E911 solution. Since June 2005, Vonage has had 125 people working on its E911 compliance initiative. During this period Vonage has:

- Either directly or indirectly through one of its third-party vendors, visited or spoken via telephone with thousands of Public Safety Answer Point ("PSAP") representatives in all 50 states, the District of Columbia and Puerto Rico;
- Built the hardware and software infrastructure to access selective routers, and interconnected directly or indirectly with selective routers that will provide access to E911 services for over 90 percent of Vonage's subscriber lines; and
- Initiated efforts with every major incumbent local exchange carrier ("ILEC") for pseudo-Automatic Number Identification ("p-ANI") acquisition and provisioning and shell records and other data, as well as other network elements necessary for E911 implementation.

The Vonage E-911 system is national in scope and functionality. As of November 28, 2005, Vonage is capable of transmitting ANI and Registered Location information for 100 percent of its subscriber lines and has established connectivity to selective routers for more than 90 percent of those lines. Vonage can today transmit ANI and Registered Location information for over 90 percent of its subscriber lines to a PSAP, designated statewide default answering point, or appropriate local emergency authority. Accordingly, as of this filing Vonage is delivering where possible all 911 calls to the Wireline E911 Network. Vonage now has E911 call delivery systems to 746 VoIP E911 ready and capable PSAPs ("Capable PSAPs"). Approximately 26 percent of Vonage's customer lines will have the benefit of E911 call delivery to Capable PSAPS as of November 28, 2005.

With respect to the path to full compliance by November 28th, Vonage's ability to deploy its E911 solution been hampered –primarily by factors outside of its direct or immediate control. Specifically, Vonage has faced a lack of one or more required third-party inputs or lack of necessary cooperation from a third party which is critical for the deployment and operation of E911 service. Missing inputs generally fall into at least one of three main areas. First, in order to provision E911 service most accurately, Vonage needs access to p-ANI or other appropriate numbering resources. Second, shell records must be built, loaded and tested by the ILEC or ALI database provider to allow caller information such as ANI and Registered Location to be delivered to the PSAP. Third, although Vonage has already established connectivity to the selective routers that cover more than 90 percent of Vonage's subscriber lines, as described in more detail below, provisioning times, lack of ILEC and PSAP readiness and/or cooperation, and other obstacles have hampered Vonage's ability to establish 100 percent call delivery to PSAPs.

Despite Vonage's significant investments and extraordinary efforts to obtain access to all 911 elements in a national approach, critical third-party cooperation has not been forthcoming. As a result additional time and the direct involvement of this Commission is needed to deploy E911 service. As Vonage has already demonstrated in Verizon territory, with full ILEC and PSAP cooperation and readiness, Vonage can rapidly implement an E911 solution. ***Due in large part to Verizon's cooperation and leadership, nearly all of Vonage's customers within Verizon's ILEC service territory will be delivered to a Capable PSAP on November 28.*** Vonage believes this demonstrates that where necessary 911 elements are made available and voluntary third-party cooperation is forthcoming, Vonage can and will be able to achieve the objectives of this Order. Where such cooperation is not forthcoming, however, Vonage requires both the direct assistance of this Commission and additional time necessary to deploy E911.

Accordingly Vonage seeks a limited extension of time**,** and, if and to the extent necessary, a limited waiver of the rules to roll out E911 service in accordance with the timetable specified in this request. ***The request for additional time is in no way due to Vonage's inability or unwillingness to undertake every reasonable step necessary to deploy E911 in accordance with the Commission's rules.*** Rather this request is being made only because of the unfortunate but understandable fact that where competitors and other third parties exercise control over the E911 infrastructure, Vonage is ultimately reliant upon to these entities — primarily ILECs and PSAPS — in order to fully realize the Commission's E911 implementation objectives.

The Commission's leadership has been an essential catalyst for quick action on VoIP E911. This progress and our shared objectives can be hastened by taking the additional measures requested, including: (1) granting the limited extensions of time and waivers requested herein; (2) appointing an administrator to assign p-ANI to VoIP providers; and (3) ensuring that

Commission policies incent rather than discourage necessary ILEC and PSAP cooperation and readiness.

Provided that the relief requested herein is granted, and provided that Vonage receives the necessary cooperation from ILECs and PSAPs integral to E911 call delivery, ***Vonage believes that at the end of December, approximately 61 percent of Vonage's subscriber lines will have the benefit of E911 call delivery to Capable PSAPs; and that by the first-half of 2006 more than 90 percent of Vonage's subscriber lines have the benefit of E911 call delivery to Capable PSAPs.***

Accordingly, for these reasons and the reasons contained herein, Vonage respectfully requests that the Commission grant this request for a brief extension of time and a narrow waiver of the Commission's rules.

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PETITION FOR EXTENSION OF TIME AND LIMITED WAIVER

Vonage America Inc. ("Vonage"), pursuant to Section 1.3 of the Commission's Rules of practice and procedure,[1] respectfully requests that the Commission grant an extension of time and limited waiver, if and to the extent necessary, of certain obligations imposed on Vonage under Commission Rules 9.5(b) and (c)[2] adopted in the *First Report and Order* ("*Order*") issued in the above-captioned proceedings regarding enhanced 911 ("E911") services.[3]

I. EXECUTIVE SUMMARY

Vonage shares the Commission's goal – to deploy E911 services for all subscribers as soon as possible. As discussed herein, Vonage has undertaken painstaking efforts to develop and acquire the systems, capabilities, methods and procedures to provide E911 services in a fully nomadic environment. As of today, this Commission is on track to achieve the fastest nomadic

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1 47 C.F.R. § 1.3.

2 47 C.F.R. §§ 9.5(b) and (c). The requirements under these rules will become effective November 28, 2005.

3 *IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, WC Docket Nos. 04-36 & 05-196, FCC 05-116 (released June 3, 2005).

E911 deployment yet. While this Commission's leadership has provided an essential catalyst, additional measures and a limited extension are necessary in order to achieve the Commission's full objectives.

Vonage provides residential and commercial Voice over the Internet ("VoIP") service that permits end-users to make and receive telephone calls using the Internet. Vonage customers may use "non-native" phone numbers, meaning that the customer's phone number is not associated with his or her geographic location. Moreover, Vonage's VoIP service is "nomadic"—the device required to use the service is portable and can be used wherever the customer has access to a broadband Internet connection. Because Vonage is the largest national VoIP provider in the United States, servicing over a million lines worldwide, Vonage must deploy its E911 solution across the country. Thus far Vonage has made tremendous progress toward this end.

As the Commission has acknowledged, the scale and scope of this effort is enormous and literally unprecedented prior to the FCC's *Order*. Vonage itself has dedicated 125 people and $50 million to date to achieve E911 deployment. Vonage has taken all necessary measures required within its own network to provide E911 service. Vonage has also hired Tele-Communications Systems ("TCS") to provide VoIP Positioning Center ("VPC") services and has worked closely with TCS to construct the necessary databases to provide E911 service to its customers. Vonage has also established connectivity with third party providers who will deliver the E911 calls to the selective router for over 90 percent of Vonage's subscriber lines. In short, except for those inputs Vonage must obtain from third parties, Vonage's network is fully prepared to handle and process E911 calls.

As of November 28, 2005, Vonage is capable of transmitting ANI and Registered Location information for 100 percent of its subscriber lines and has established connectivity to selective routers for more than 90 percent of those lines.[4] Vonage can today transmit ANI and Registered Location information for over 90 percent of its subscriber lines to a PSAP, designated statewide default answering point, or appropriate local emergency authority. Accordingly, as of this filing, Vonage is delivering where possible all 911 calls to the Wireline E911 Network. Vonage now has E911 call delivery systems to 746 VoIP E911 ready and capable PSAPs ("Capable PSAPs") across the country. Approximately 26 percent of Vonage's customer lines will have the benefit of E911 call delivery to Capable PSAPs as of November 28, 2005.

Notwithstanding this progress to date, in order to deploy fully its E911 solution, Vonage must rely on a variety of third party suppliers, none of which is under any legal obligation to provide service to Vonage, for critical inputs. Despite Vonage's monumental efforts, continued lack of access to critical inputs beyond its control continues to hamper Vonage's deployment efforts.

- Vonage must rely on database capabilities and integration obtained from third party VPC providers to ensure that calls are correctly routed and that appropriate Registered Location Information can be transmitted to the PSAPs.

- Vonage must obtain p-ANI numbering resources to ensure that Vonage E911 calls can be correctly routed.

- Vonage must rely on the ILECs and PSAPs for readiness to receive a VoIP call. Following accepted E911 deployment practices, the established automatic location identification ("ALI") database provider in each area must

[4] However, nationwide E911 deployment is not static. As Vonage adds new customers and existing customers update their Registered Locations, Vonage will continue to assess the need to add selective routers. Vonage has put in place the methods, procedures, and operations necessary to continually monitor its subscribers and determine where, when, and how it must supplement its solution, including adding connectivity to additional selective routers.

construct and provide shell records for the PSAPs, so that the Vonage VPC can communicate with the PSAPs in the delivery of a 911 call.

- Vonage must rely on the PSAPs themselves to test E911 call delivery and to accept Vonage calls.

Vonage has experienced three main obstacles in seeking access to these critical inputs. First, the lack of any numbering administrator has resulted in complete p-ANI unavailability in many areas and in other areas, incumbent local exchange carrier ("ILEC") pseudo-ANI ("p-ANI") assignment processes have developed slowly or not at all. Without p-ANI, the entire E911 implementation suffers, because E911 calls from Vonage's customers cannot be routed reliably to the correct PSAP.[5] Master Street Address Guide (MSAG) ledgers, more commonly known as shell records, cannot be completed, and in some ILEC territories even created, without a p-ANI resource. These delays ultimately affect the whole E911 provisioning, testing and compliance ecosystem, as every implementation process is interdependent on the availability of p-ANI.

Second, Vonage has experienced significant delays from certain ILECs when asking the ILECs to create the MSAG ledgers/shell records (hereafter, "shell records") for the PSAPs. The shell records contain the customer's true phone number and location information and must be transmitted to the PSAPs for the provision of effective E911 service. Although this has not been a problem in Verizon territory, in most other areas, the ILECs have only very recently been willing to create the shell records and, in many instances, including all of BellSouth territory, there has been no progress in the creation of shell records. Shell record development can impair the ability of a PSAP to receive VoIP 911 calls.

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[5] While DIDs might present one possible alternative, the public safety community has expressed a number of concerns about their use. *See, e.g.*, *Ex Parte* Letter from David F. Jones, President, NENA to Kevin J. Martin, Chairman, FCC (filed Nov. 4, 2005) attached hereto as Exhibit 1.

Third, even in those areas where Vonage has received both p-ANIs and shell records, many PSAPs are not ready for VoIP calls and therefore have not been available for testing, due to any number of factors including recent emergency conditions, as well as PSAP administrative and resource constraints, which have delayed or prevented PSAPs or Vonage from deploying E911 service.

While Vonage has delivered on all of the inputs it can self provision – and Vonage can today transmit ANI and Registered Location information for over 90 percent of its subscriber lines to a PSAP, designated statewide default answering point, or appropriate local emergency authority – Vonage cannot transmit calls to a non-Capable PSAP or deploy a complete E911 solution where it has not been given access to critical elements from third party suppliers, some of whom are Vonage's direct competitors and are not currently under any express obligation to provide the needed inputs and updates.[6] To date there has been no quick, efficient means to resolve disputes concerning the respective roles and responsibilities of the parties that must cooperate with Vonage so that it can comply with the FCC's rules.[7] In short, without all of the appropriate inputs — p-ANI, shell records, connectivity and PSAP testing — Vonage is unable to meet all of the requirements set forth in the above-referenced rules for 100 percent of its customer base in the short timeframe dictated by the Order.

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[6] Vonage has also specifically and consistently raised, in connection with its comments filed on NENA's proposed i2 Standard, the concern that third party inputs needed to provide E911 service would not be available. *See Letter from John Cummings and Martin Hakim Din to National Emergency Number Association, re: I2 Standard: Comments of Vonage America, Inc.*, at 2 (Sep. 19, 2005), attached as Exhibit 2; *and Letter from John Cummings, ENP, Vonage America, Inc. to David F. Jones, ENP, National Emergency Number Association, re: i2 Technical Standard: Vonage America Comments*, at 1 (Nov. 22, 2005), attached as Exhibit 3.

[7] Vonage has recently proposed that states establish a stakeholder roundtable to plan for E911 implementation and hopefully forestall such disputes. See Exhibit 4.

Strict application of the requirements set forth in the *Order* will not serve the creation of a national E911 implementation and only serve to create incentives that would undermine the voluntary third party cooperation necessary to achieve full E911 deployment. Given the customer notification requirements now in place, and the fact that Vonage shows herein a path to full compliance, the limited extension of time and limited waivers requested herein will not impair the central public safety goals of the Commission's Rules, and in some circumstances will even enhance those goals. As such, Vonage respectfully submits that it meets the criteria under Section 1.3 of the rules for a limited extension of time necessary to comply with the Commission's E911 rules.

II. VONAGE'S EFFORTS TO ESTABLISH E911 SERVICE

A. Vonage Initiated 9-1-1 Dialing Prior to the Adoption of the *Order*

Even before the Commission released its *Order*, Vonage was hard at work planning the development of an E911 solution for nomadic VoIP services. For example, Vonage began offering a "9-1-1 Dialing" service to its customers in April 2003. Upon dialing "9-1-1," customers who had opted into the service by providing a physical address from which they were using their VoIP service were routed to a 10-digit administrative number for the PSAP or equivalent emergency response center that was designated to serve the customer's Registered Location.[8] A third party vendor provided Vonage with the appropriate 10-digit administrative number. This solution was a *de facto* standard endorsed as part of nationally planned and agreed upon interim solution supported by several industry groups and the National Emergency Number

[8] A complete history and timeline of Vonage's efforts to deploy E911 are included in Exhibit 5.

Association.[9] Vonage expanded its efforts beyond this *de facto* standard to include additional measures, expressly the passing of 911 calls into the native E911 network.

Beginning in approximately October 2004, Vonage began providing E911 services to Vonage customers in Rhode Island.[10] The 9-1-1 emergency operator automatically receives information concerning the caller's address and phone number. Following release of the *Order*, Vonage began providing an E-911 service to customers in New York City in July 2005 and to customers in Duval, Polk, Leon and St. Johns counties in Florida and in Lexington, Kentucky in September 2005. A complete list of the PSAP areas in which Vonage has tested and currently provides E911 services is included in Appendix A.

On July 1, 2005, Vonage began requiring 9-1-1 Dialing location registration from all of its new customers. Beginning in July 2005, all 9-1-1 calls made by customers who subscribed before June 2005, but who had not opted into the 9-1-1 Dialing feature and provided a Registered Location address for 9-1-1 calling, were sent to the national call center. In late October, 2005, Vonage began affirmatively requesting location registration information from the relatively small minority of pre-existing customers who had not yet provided such information.

Vonage's pre-*Order* 911 efforts also included the addition of a state of the art manned call center operated by a third-party vendor 24 hours a day, seven days a week. This "safety-net" national call center, which has since been even further refined, not only assists in completion of E911 calls, but also plays a limited but critical role in the proper handling and routing of certain E911 calls. When a customer's 911 call does not go through to the PSAP, it defaults to the call

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9 *See Agreement between NENA and Public Safety Providers* (Dec. 1, 2003), attached as Exhibit 6.

10 Vonage's pre-*Orde*r 911 efforts in Rhode Island were specifically noted and lauded by the Commission in the *Order*. *Order* at 16.

center, which is manned at all times by APCO-33 trained call takers. The call taker receives the caller's call-back number, address, and other relevant emergency information automatically from Vonage's databases, which allows the call taker to immediately direct the call to the nearest PSAP or first responder available. The call center is fully capable of handling other E911 failure situations as well, including compensating where the PSAP has not yet been able to deploy more sophisticated capabilities, call re-routing in the case of misdirected calls, handling of E911 calls placed by subscribers who are in the process of changing their Registered Location and other emergency situations.

B. Vonage's Efforts to Meet 120-Day E911 Implementation Deadline

In order to meet its E911 obligations under the *Order*, Vonage has expended considerable time and effort and has allocated significant resources and personnel toward deploying a nomadic E911 solution. Since June 2005, Vonage has had 125 people working on its E911 compliance initiative.

1. Vonage Has Upgraded Its Network to Deliver E911 Calls and Obtained Interconnectivity to Selective Routers

In order to access the Wireline E911 Network, Vonage had to first build the hardware and software infrastructure necessary to access the selective routers. Vonage commenced efforts to do so prior to the issuance of the Commission's *Order* when, in October 2004, Vonage began offering E911 services to customers in Rhode Island. Vonage has constructed and deployed two redundant E911 dedicated gateways—one in New York and one in California—designed for the collection and routing of E911 calls. Vonage has performed all of the internal software adjustments within Vonage's network necessary to ensure that E911 calls can be routed to those gateways. Vonage has integrated those gateways with Vonage's existing call center operations

which provide an emergency "fail-safe" function to ensure that E911 calls can be processed in the event of an outage.

As of November 28, 2005, Vonage is capable of transmitting ANI and Registered Location information for 100 percent of its subscriber lines and has established connectivity to selective routers for more than 90 percent of those lines. Vonage can today transmit ANI and Registered Location information for over 90 percent of its subscriber lines to a PSAP, designated statewide default answering point, or appropriate local emergency authority. Accordingly, as of this filing Vonage is delivering where possible all 911 calls to the Wireline E911 Network. Vonage now has E911 call delivery systems to 746 Capable PSAPs across the country. Approximately 26 percent of Vonage's customer lines will have the benefit of E911 call delivery to Capable PSAPs as of November 28, 2005.

To complete its E911 solution and increase the number of Capable PSAPs, however, Vonage must not only have access to the selective routers, but must also rely upon the cooperation of ILECs, PSAPs and other third parties to provide the inputs identified above – including connectivity, p-ANI, shell records, testing and call acceptance – in order to route the call to the appropriate PSAP.[11] The Commission itself recognized the importance of ILEC cooperation when it stated in its *Order* that although it would not require ILECs to make access directly available to VoIP providers, "it expects and strongly encourage[s] all parties involved to develop and deploy VoIP E911."[12]

Accordingly, beginning in May 2005, Vonage opened negotiations with major ILECs – including BellSouth, SBC, Sprint, Qwest, Verizon and Citizens -- in order to gain access to

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[11] *See Section I, Infra.*

[12] *See Order* at ¶ 40.

Selective Routers, p-ANI, and related elements necessary to compete its E911 network. In the course of its negotiations, Vonage found that initially, none of the ILECs were ready. No ILEC had a process in place to receive, process and fulfill mass provisioning requests for access to elements of the ILEC's E911 network. Indeed, it was Vonage's experience during the first few months of its negotiations and implementation efforts that certain ILECs lacked the personnel resources to process Vonage's requests.

The issue of ILEC readiness is not unique to the deployment of VoIP E911. The *Hatfield Report*[13] specifically noted that "the ILECs play a critical role in the deployment of wireless E911 services in the reliable and seamless manner contemplated by Congress when it passed the 911 Act."[14] The same can be said of VoIP 911, and the lack of ILEC readiness along with the lack of PSAP readiness have been the primary implementation issues in VoIP E911 deployment**.**

2. Vonage Has Outreached to PSAPs to Explain Its Solution and Gather Necessary Data

Contacting and making arrangements with the PSAPs has been a monumental task. As explained in the letter from TCS included as Exhibit 7, TCS has negotiated contracts to gain access to the ALI databases necessary for Vonage to provide E911 service to its nomadic VoIP customers. As explained in the letter from Compass included as Exhibit 8, Compass has also assisted Vonage in its PSAP outreach efforts to inform PSAPs about Vonage's E911 solution and to conduct interviews to collect the PSAP-specific data necessary for deployment.[15] Vonage has either directly or indirectly through one of its third-party vendors visited or spoken via telephone

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[13] Dale N. Hatfield for the Federal Communications Commission, *A Report on the Technical and Operational Issues Impacting the Provision of Wireless Enhanced 911 Services* (filed in WT Docket No. 02-46, Oct. 15, 2002).

[14] *Id.* at 33 (section 3.5.2).

[15] See Exhibit 9 for a list of the types of information gathered from PSAPs.

with PSAP representatives in all 50 States, the District of Columbia and Puerto Rico. Vonage affirmatively contacted 5,142 PSAPs, either by sending them information kits[16] or through phone calls.[17] To date, Vonage has been successful in collecting data from 3,071 of these PSAPs,[18] either directly or indirectly through central organizations. A list of Capable PSAPs as of November 28, 2005 are contained in Appendix A.

PSAP readiness is not a problem unique to VoIP E911 service. The *Hatfield Report* identified PSAP readiness as a "potential detriment to the rapid and efficient rollout of wireless E911 services."[19] PSAP readiness is further discussed in Section D below.

In response to certain PSAP requests and to keep subscribers informed about the status and methodology used to deliver their 9-1-1 calls, Vonage has developed and aggressively marketed 9-3-3 Dialing. At any time a Vonage subscriber can dial 9-3-3 and find out how their 9-1-1 call will be handled if there is an emergency, including a description of the level of 911 service. The 9-3-3 response is automated, so no burden is placed on any PSAP in receiving unnecessary test calls from customers, and the service is available 24 hours a day at no cost to the subscriber. Each subscriber receives a sticker for his or her telephone device advising them about the 9-3-3 service.

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16 A copy of the information kit Vonage sent to PSAPs is included as Exhibit 10.

17 A copy of the PSAP outreach telephone script is included as Exhibit 11.

18 Compass contacted 2720 PSAPs; Vonage personnel directly contacted the other 351 PSAPs.

19 *Hatfield Report* at 31 (section 3.4.2).

C. The Critical Need for Mapping Information, p-ANI Assignments, and Shell Records

1. Mapping Information

An additional obstacle to full deployment has been the lack of centrally available information on the nation's E911 network. Through its diligence and sheer perseverance, Vonage has gathered from many separate sources the information necessary to map its customers to the PSAPs that serve them. Because this information gathering was itself a prerequisite to determining to which selective routers Vonage needed to connect, this task alone delayed Vonage's implementation efforts and required consistent updating and reconfiguring of resources, as the 911 system is not one connection, but a myriad of layers, stretching beyond political, technical and operational borders. Moreover, nationwide E911 deployment is not static. Vonage has put in place the methods, procedures, and operations necessary to continually monitor its subscribers and determine where, when, and how it must supplement its solution, including adding connectivity to additional selective routers.

During this project, Vonage found that there were few resources available to guide it in its nationwide deployment of E911 service. For example, until November 18, 2005,[20] there was no comprehensive list of all of the selective routers in the United States and no comprehensive list of which PSAPs are connected to which selective routers. In fact, in Vonage's experience, sometimes PSAP personnel do not know to which selective router their PSAP is connected.

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[20] Although the 9-1-1 System Reference Guide recently released by NENA allows a qualified user to view, on a subscription basis, limited data on Selective Routers and associated PSAPs, it does not include any information usable for direct 9-1-1 call routing. *See* NENA Announces Availability of New Resource to Support FCC-Compliant 9-1-1 Interconnection (Nov. 28, 2005), available at http://www.nena.org/911rdb/9-1-1%20System%20Reference%20Guide%20Release-3.pdf.

In most instances, despite repeated requests, the ILECs which Vonage has worked with did not or could not provide critical mapping needed to allow Vonage to design its solution. For example, in many instances, the ILECs were unable to provide PSAP to selective router coverage mapping information in a usable format that is critical to designing the network and placing orders to the appropriate selective routers. As a result, in many instances, Vonage had to carefully and painstakingly compile the information necessary to map its customers to PSAP boundaries (which some PSAPs changed for purposes of accepting VoIP calls), map the PSAPs to selective routers, and build from scratch the processes and procedures necessary to coordinate, test, and implement an E911 solution for Vonage's customers. The need to complete such mapping against the ILEC footprint was extraordinarily time intensive and resulted in significant and unavoidable provisioning and planning delays as Vonage worked to map its approximately one million customer lines against thousands of PSAPs and hundreds of selective routers.

2. p-ANIs

As Vonage and others have previously advised the Commission, p-ANI availability is an essential gating item for nomadic VoIP E911 deployment.[21] As detailed in the *Hatfield Report*,

[21] *See, e.g., Ex Parte* Letter from Robert C. Atkinson, NANC Chair to Thomas Navin, Chief Wireline Competition Bureau, FCC (filed Sept. 8, 2005) ("*NANC pANI Request*"); *Ex Parte* Letter from David F. Jones, President, National Emergency Number Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-36 & 05-196, at 1 (filed Nov. 4, 2005); *Ex Parte* Letter from Tom Goode, Associate General Counsel, Alliance for Telecommunications Solutions', to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-36 & 05-196, at 2 (filed Nov. 2, 2005). *See also Vonage Holdings Corp. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources*, Emergency Request for Expedited Approval of Vonage's Petition for Limited Waiver of Section 52.15(g)(2)(i), CC Docket No. 99-200 (filed May 26, 2005); *Ex Parte* Letter from William B. Wilhelm, Jr., Tamar E. Finn and Ronald W. Del Sesto, Counsel for Vonage Holdings Corp., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-36, 05-196 & 99-200, at 1 (filed June 29, 2005). *See generally Ex Parte* Letter from William B. Wilhelm, Jr., Counsel for Vonage Holdings Corp., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-36, at 1 (filed May 4, 2005); *Ex Parte* Letter from William B. Wilhelm, Jr., Counsel for Vonage Holdings Corp., to Marlene H. Dortch,

most selective routers use 25-year old technology that is capable of processing no more than a few area codes.[22] As a result, p-ANIs are necessary to route a non-regional telephone number through the local selective router. By using p-ANIs, a nomadic VPC can dynamically assign a number that includes an area code recognized by the relevant selective router thereby allowing a call to pass through and reach the appropriate PSAP.

While Verizon has been in the forefront of voluntarily making available essential p-ANI elements, other ILECs have either not made p-ANIs available or have delayed issuing p-ANIs for so long that insufficient time remained to deploy E911 by November 28. For example, BellSouth did not provide Vonage a draft p-ANI contract until late August and just recently advised Vonage that it could assign p-ANIs only at the full tandem, not at the individual PSAP level; Qwest has refused to assign any p-ANIs; and Sprint was unable to provide any p-ANIs in the 211 exchange pursuant to its contractual obligations until the second week of November and still has not provided Vonage p-ANIs as of this date for the selective routers to which Vonage is currently interconnected. While the Commission's 120 day deadline was based upon certain expectations, it may not have fully appreciated how lack of ILEC readiness and the delay in obtaining p-ANIs could impact the number of Capable PSAPs.

Secretary, FCC, WC Docket No. 04-36, at 2 (filed May 5, 2005); *Ex Parte* Letter from William B. Wilhelm, Jr., Counsel for Vonage Holdings Corp., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-36, at 2-3, 6 (filed May 9, 2005); *Ex Parte* Letter from William B. Wilhelm, Jr., Counsel for Vonage Holdings Corp., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-36 & 05-65, at 1 (filed May 10, 2005); *Ex Parte* Letter from William B. Wilhelm, Jr., Counsel for Vonage Holdings Corp., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 99-200, at 1 (filed July 21, 2005).

[22] *See Hatfield Report* at 4-5.

3. ESNs, MSAG Entries and Shell Records

In order to deploy E911 service, Vonage and PSAPs must rely on ILEC cooperation to deploy a number of critical components needed in E911 system construction and operation. Among the inputs required are three individual components used in the operation of the databases needed to properly route E911 calls: (a) Emergency Service Numbers ("ESNs" – routing numbers which identify the specific emergency service agencies -- law enforcement, fire, and emergency medical service -- that serve a specific area); (b) Master Street Address Guide ("MSAG") entries (which match the Registered Location to the assigned ESN); and, (c) shell records (which are used to associate the p-ANI with Vonage and the proper ESN for each E911 call).

ILEC cooperation and coordination is critical because each of these components must be created in the ILEC systems on a PSAP by PSAP basis. Specifically, Vonage's VoIP Positioning Center ("VPC") database provider, TCS, collects the ESNs, pANI (discussed above) and MSAG information. TCS must then submit the pANI and MSAG information to the ILEC for association to the corresponding shell records in the ILEC's own E911 database (which are maintained by its automatic location identification ("ALI") provider), thereby allowing ALI "steering" to be enabled. Only after that ILEC processing is completed will Vonage E911 calls be properly "selectively routed" and inquiries from the PSAPs seeking Registered Location information for Vonage customers be properly "steered" to TCS's database.

There are two distinct areas in which the level of ILEC participation and communication to date have adversely affected PSAPs' ability to receive VoIP 911 call information. First, for the reasons outlined above, completion of the ESN, MSAG entry and shell record construction process requires close communication between the PSAP and the ILEC through a process largely outside of Vonage's direct control. Even in areas where ILECs were diligent about completing

this process (primarily Verizon and Qwest), the time needed to complete the deployment prevented system availability until well into October 2005. In areas where ILECs have been less proactive, despite Vonage's continued efforts to work with ILECs and PSAPs, some PSAPs have yet to become Capable PSAPs.

Second, in order for the E911 system to work properly, the information in the ILEC database must match exactly the information in the Vonage database. If the information does not match, a "failure to provision" error will occur and the E911 system will not operate properly. ILECs alone have access to the information (ESNs and MSAG) within their databases. As a result, the rapid deployment of E911 services across many PSAPs requires that the ILEC promptly disclose that information -- without it, Vonage and other VoIP providers cannot create functional databases within the timeframes imposed by the Order. Vonage's higher rate of response in Verizon (and to an extent Qwest territories) has resulted from the willingness of those ILECs to provide the needed information. In contrast, despite concrete proof of Vonage's outreach and PSAP communication efforts, SBC and BellSouth have both refused to provide this information – requiring Vonage to work to cobble together databases using information collected from PSAPs.

D. PSAP Readiness

As discussed earlier, the ability to deploy VoIP E911 is critically dependent upon PSAP readiness.

There are many PSAPs that have been working hard along with Vonage to deploy E911 VoIP service. For example, Alan L. Blencoe, the President of Wisconsin NENA,[23] lauded Vonage's efforts to date, acknowledged the tight 120-day deadline, and expressed confidence

[23] Letter attached hereto as Exhibit 12.

that Vonage will get the job done and his interest on behalf of the Wisconsin PSAPs to work with Vonage to complete the deployment task. Along those same lines, Jeanette Lenser, Administrator of La Crosse County Emergency Services in Wisconsin,[24] acknowledged Vonage's path to compliance and supports Vonage's request for an extension of time. Similarly, by letter dated November 23, 2005,[25] Becky Berger, 9-1-1 Program Manager for the State of Montana, Department of Administration, Information Technology Services Division, acknowledged that "Vonage has made a good faith effort and substantial progress has been made to comply with the FCC order in Montana. Extension requests with State specific plans and deployment schedules should be accepted as commitment to compliance." In addition, e-mails thanking Vonage for its hard work were sent by Ford County, Illinois[26] and the LaGrange Park Police Department, Illinois.[27] Lastly, by letter dated November 22, 2005,[28] Paul J. Fahey, Executive Director of the Massachusetts Statewide Emergency Telecommunications Board congratulated Vonage for completing E911 service in Massachusetts on November 14, 2005, two weeks ahead of schedule.

On the other hand, not all PSAPs have been as receptive. Compass Technology Services ("Compass") was subcontracted by TeleCommunication Systems, Inc. ("TCS") to perform PSAP data collection to assist Vonage in its compliance efforts. Compass made 5606 telephone calls, and sent over 1699 kits to PSAP contacts representing over 3000 PSAPs, and completed 2720

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24 Letter attached hereto as Exhibit 13.

25 Attached here to as Exhibit 14.

26 Attached hereto as Exhibit 15.

27 Attached hereto as Exhibit 16.

28 Attached hereto as Exhibit 17.

data collection interviews. The process is still ongoing. In a letter to Chairman Martin,[29] Compass explains that notwithstanding its experience with PSAP outreach on behalf of wireless carriers such as Cingular and T-Mobile, Compass experienced resistance from a number of PSAPs. To date, Compass has seen the need to escalate to the Vonage PSAP team 188 different blocking issues involving 1120 PSAPs affecting 35 percent of Vonage's customers.

The top four reasons for escalation have been as follows:

1. Waiting to provide information – the individual PSAP is waiting for guidance from that state, a board or the ILEC before providing data. This category also includes PSAPs that will not cooperate with the ILEC because they insist on meeting with Vonage first.

2. Non-responsive – Multiple attempts to contact the PSAP have been unsuccessful, or continual follow-up calls are necessary to gather the information without success.

3. Anti-VoIP – The PSAP has a negative attitude toward VoIP or the FCC. It simply refuses to cooperate because it does not want to work with VoIP providers and is unwilling to do so, even in the face of the FCC mandate for VoIP E911 service.

4. Not technically ready – The PSAP does not have the technical capability to deliver E911 service to VoIP customers, is in the process of moving, or is preoccupied with deploying wireless E911 Phase I or II.

To date, only 74 of the escalations have been resolved—the majority remain unresolved. For example, the Office of Emergency Management and Communications for the City of Chicago ("Chicago OEMC") is not ready to work with Vonage to provide E911 service because it is waiting for approval from the Intergovernmental Affairs office. After Vonage made

[29] Attached hereto as Exhibit 8.

repeated attempts to accelerate implementation over a period of time with the Chicago OEMC, James Argiropoulos of the Chicago OEMC wrote "I am working with the Intergovernmental Affairs office of the City regarding VOIP service. As of this mail we have not agreed to allow any VOIP provider access to our 9-1-1 system. Until I receive an official ruling we are on hold."[30]

In another example, after Vonage submitted substantial information to the City of Philadelphia, the city then insisted that Vonage complete a questionnaire. Vonage completed the questionnaire, only to then be ignored by the city.[31] Similarly, issues have also been encountered throughout North Dakota where Vonage is prepared to deliver calls to Capable PSAPs once Vonage hears back from the Director.

The Compass letter in Exhibit 8 contains additional examples of PSAP feedback and resistance, which generally fall into the following four categories: (1) confusion caused by lack of a standardized VoIP deployment model and conflicting instruction from LECs; (2) resistance to participation in VoIP E911 deployment without cost recovery/surcharge mechanisms in place;[32] (3) resistance to VoIP technology or the *Order* in general; and (4) non-responsiveness to data collection efforts.

Still other PSAPs are not Capable PSAPs through no fault of their own. The NENA chapters for Louisiana and Mississippi each informed Vonage by letter that because of their preoccupation with rebuilding necessary infrastructure as a result of the destruction caused by hurricane Katrina, they would need an additional 180 days to work with Vonage to receive VoIP

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30 A copy is attached hereto as Exhibit 18.

31 A copy of the e-mail stream is attached as Exhibit 19.

32 *See, e.g.,* letter From Vonage to St. Charles County Dispatch, November 10, 2005, attached hereto as Exhibit 20.

E911 calls.[33] The Baker County Emergency Operations Center in New Hampshire needs additional time because it is in the process of installing a new selective router.[34]

To date, a small number of state E911 organizations have also required that Vonage enter into lengthy contracts which detail E911 fee/surcharge remittance obligations, and impose various technical and operational requirements. An initial form of agreement was presented to Vonage by a single state E911 organization in July 2005, and a number of widely attended open-forum contract discussions were held during the course of the summer to discuss the contract's provisions. Since that time, however, four additional state organizations have asked that Vonage enter into agreements for interconnection with the respective organization's participating PSAPs, each such agreement directly modeled after the initial contract. While it is unclear to Vonage how many more agreements it may ultimately have to review and negotiate before PSAPs will directly receive VoIP E911 calls across Vonage's footprint, these contract requirements illustrate another manner in which the PSAPs have demonstrated the need for additional time before they can directly receive VoIP E911 calls.

As a result of these and other PSAP readiness issues, there are a number of PSAP serving areas where Vonage can obtain p-ANIs, shell records and other information and services needed from the ILECs, but cannot yet deliver directly to Capable PSAPs because the PSAP itself is unwilling or unable to accept delivery of such calls.

E. ILEC Specific Implementation Issues

Beginning even before the issuance of the Order, Vonage entered into negotiations with major ILECs across the country to attempt to establish working relationships and to expedite

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[33] The Louisiana letter is attached hereto as Exhibit 21, and the Mississippi letter is attached hereto as Exhibit 22.

[34] *See* Letter from AK Associates, Inc., November 22, 2005, attached hereto as Exhibit 23.

E911 execution. Once the Order was issued, and the need for particularly expedited action became clear, Vonage accelerated its ILEC coordination efforts and proactively identified processes and procedures designed to maximize the extent to which compliance with the Commission's E911 mandate could be achieved.

Verizon implemented efforts to treat the VoIP E911 deployment as a project to be managed with resources, leadership and guidance appropriate to its role as a 911 System Service Provider. Vonage recognizes and lauds Verizon's outstanding efforts to assist the company in working to deploy E911 service in Verizon territory. To an extent not matched by any other ILEC, Verizon demonstrated a clear willingness to work with Vonage to support the E911 deployment process. As a result, Vonage was able to deploy E911 service broadly in Verizon territory and many Vonage customers in Verizon territory enjoy substantially expanded E911 coverage today due to Verizon's cooperation.

On the other hand, despite Vonage's significant efforts, the other ILECs generally refused to work with Vonage to achieve the Commission's E911 goals, choosing instead to hamper and delay E911 coordination through a variety of successive administrative and procedural road-blocks. The fact that ILECs are currently under no express obligation to provide Vonage or PSAPs access to critical E911 inputs, taken together with the fact that ILECs are Vonage's direct competitors, has resulted in substantial delays and lack of cooperation that has significantly impaired Vonage's efforts to meet the Commission's 120-day deadline.

While virtually all of the ILECs had existing tariff provisions, which offered services identical or nearly identical to the services Vonage required, they would not permit Vonage to purchase service out of those existing tariffs. Instead, certain ILECs imposed unreasonable positions – typically through professional services or acknowledgment agreements, by forcing

Vonage to wait months while "new" tariffs were developed and in some cases, even declining to make negotiators consistently available. As a result, in most cases, Vonage was required to wait literally for months before ordering could even be commenced.

Even once agreements were reached, many ILECs unreasonably withheld critical information, such as PSAP coverage area information, selective router location information and resource availability, all of which substantially hindered Vonage's ability to increase the number of Capable PSAPs by November 28th.

As explained in greater detail above, ILECs' refusals and numerous delays have resulted in Vonage and PSAPs being unable to acquire p-ANI and/or shell records in much of the country on a timely basis. ILECs' refusal to provide these critical inputs constitutes the single greatest obstacle to enabling PSAP capability.

A complete accounting of Vonage's efforts on an ILEC by ILEC basis is provided in the attached Exhibit 24. This exhibit details specific procedural impediments Vonage encountered with each carrier.

III. LEGAL STANDARD FOR WAIVER

Section 9.5(b)(1) of the rules requires interconnected VoIP providers, by November 28, 2005, to provide E911 services to their VoIP customers and imposes certain routing and information requirements. Section 9.5(b)(2) requires interconnected VoIP service providers to transmit all 911 calls, in all geographic regions served by the Wireline E911 Network, along with the ANI and the caller's Registered Location for each call, to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to

Commission Rule 64.3001.[35] Section 9.5(b)(2) further provides that "all 911 calls" is defined as "any voice communication initiated by an interconnected VoIP user dialing 911." Section 9.5(b)(3) requires all 911 calls to be routed through the use of ANI and, if necessary, pseudo-ANI, via the dedicated Wireline E911 Network. Section 9.5(b)(4) provides that the Registered Location must be made available to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority from or through the appropriate ALI database.

Section 1.3 of the Commission's Rules states:

> The provisions of this chapter may be suspended, revoked, amended or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.[36]

The Commission's rules may be waived when the underlying purpose of the rule would not be served or would be frustrated without a waiver, and a grant of the waiver would serve the public interest. Alternatively, the rules may be waived in circumstances where compliance would be inequitable, unduly burdensome or contrary to the public interest, or where the party seeking a waiver has no reasonable alternative. There are therefore a number of alternative showings that can be made to obtain a waiver.[37] The Commission recently applied this standard when granting waivers to commercial mobile radio service ("CMRS") carriers in the context of their E911 obligations. In a recent CMRS E911 Order,[38] the Commission included technical

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35 47 C.F.R § 64.3001.

36 47 C.F.R. § 1.3.

37 *See, e.g.,* 47 C.F.R. § 1.925(b)(3).

38 *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; E911 Phase II Compliance Deadlines for Tier III Carriers,* CC Docket No.

infeasibility and delays beyond the control of the carrier as reasons for grant of a waiver. An inability to obtain certain products or services despite good faith efforts to obtain them was considered a delay beyond the control of the carrier.[39]

IV. THE PUBLIC INTEREST WILL BENEFIT FROM AN EXTENSION OF TIME AND LIMITED WAIVER

To the extent the Commission determines Vonage's delivery of calls for 90 percent of its subscribers to the Wireline E911 Network is not compliant with the rules, Vonage requests a limited extension of time to comply with Sections 9.5(b) and (c) of the rules. Vonage also requests, to the extent necessary, a limited waiver of Sections 9.5(b) and (c) in specific circumstances.[40]

A. A Limited Extension of the November 28, 2005 Deadline is Warranted

As detailed below, it is largely because third parties beyond Vonage's direct control have not fully cooperated in a manner originally anticipated by the Commission that Vonage must request this Commission take further action to elicit necessary cooperation as well as grant Vonage a limited extension of the November 28, 2005 deadline so that Vonage may deploy E911 once cooperation is forthcoming. As already explained, as of November 28, 2005, Vonage is capable of transmitting ANI and Registered Location information for 100 percent of its subscriber lines and has established connectivity to selective routers for more than 90 percent of those lines. Vonage can today transmit ANI and Registered Location information for over 90 percent of its subscriber lines to a PSAP, designated statewide default answering point, or

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94-102, Order, FCC 05-79, released April 1, 2005 ("*Wireless E911 Tier III Second Waiver Order*").

39 *Id.* at ¶ 10.

40 Vonage requests that if granted, the waiver be made effective as of November 28, 2005.

appropriate local emergency authority. Accordingly, as of this filing Vonage is delivering where possible all 911 calls to the Wireline E911 Network. Vonage now has E911 call delivery systems to 746 VoIP E911 ready and capable PSAPs ("Capable PSAPs") across the country. Approximately 26 percent of Vonage's customer lines will have the benefit of E911 call delivery to Capable PSAPs as of November 28, 2005. In order route calls to Capable PSAPs, Vonage must rely upon third party cooperation in order to test and fully implement E911 call delivery systems. Where cooperation was forthcoming Vonage has achieved compliance. Regrettably, however, where third party ILECs or PSAPs have been either unwilling or unable to provide essential elements or support, Vonage must seek additional narrow relief. This relief is warranted because, as discussed below, any immediate obstacles are both surmountable and not the result of any conduct in Vonage's immediate control.

Provided that the requested relief is immediately granted, and provided that Vonage receives the necessary cooperation from ILECs and PSAPs integral to E911 call delivery, Vonage believes that at the end of December, approximately 61 percent of Vonage's subscriber lines will have the benefit of E911 call delivery to Capable PSAPs; and that during the first half of 2006, more than 90 percent of Vonage's subscriber lines will have the benefit of E911 call delivery to Capable PSAPs.

1. Vonage's Extraordinary Efforts Have Been Successful Where Cooperation Was Forthcoming

As discussed in Section II, Vonage has engaged in diligent efforts to provide E911 service, even before the Commission issued the Order. Where third party cooperation has been forthcoming, PSAPs can become VoIP E911 capable.

Most of the Capable PSAPs on November 28th (listed in Appendix A) are located within the Verizon ILEC service territory. The reason is simple. Verizon has demonstrated

leadership and cooperation in facilitating Vonage's E911 solution. As discussed in Section II, the other ILECs have not been as cooperative and have substantially delayed the process. PSAP success in Verizon territory substantiates the diligence with which Vonage has pursued E911 deployment. Where Vonage has received the requisite support from third parties, *e.g.*, Verizon, PSAPs may become Capable PSAPs. Vonage has demonstrated that despite its best efforts to deploy E911, PSAPs may not be Capable PSAPs by the November 28 deadline. This is due to circumstances beyond Vonage's control.

2. p-ANI is Not Being Made Available to Vonage; Without p-ANI PSAP Capability is Impaired

Through no fault of its own, Vonage has been unable to obtain p-ANI directly or indirectly. This has dramatically impaired Vonage's ability to route calls to certain PSAPs. As explained in Section II above and in its November 14, 2005 *ex parte* letter to Chairman Martin, a nationwide E911 roll out requires that Vonage have access to p-ANIs. Where Vonage has had such access, such as in Verizon's ILEC service territory, Vonage has been able to enable PSAP Capability.

However, where p-ANI is unavailable, nomadic VoIP 911 calls face routing challenges. Significantly, in areas where ILECs will not provision p-ANI, neither VoIP providers *nor CLEC carriers* can obtain these resources. Vonage therefore cannot obtain these resources directly or indirectly.

Almost immediately after the issuance of the FCC's Order, Vonage filed an Emergency Petition asking the Commission to make p-ANI available so that it could satisfy the Commission's obligations. Vonage detailed the importance of p-ANI and underscored the relevance of p-ANI to the November 28th deadline. Vonage's petition remains pending.

Other parties have also pointed out the need for p-ANI and have specifically stated that p-ANI is a necessary precondition for satisfying the FCC's requirements. These parties include respected lawmakers and public safety officials, including: the National Emergency Number Association ("NENA"), the North American Numbering Council ("NANC"), the NANC's p-ANI Issue Management Group, and the Alliance for Telecommunications Industry Solutions' ("ATIS") Emergency Services Interconnection Forum,[41] as well as members of the House Energy and Commerce Committee.[42]

Additional measures – such as the appointment of a p-ANI administrator – and additional time to allocate and deploy these resources are necessary, appropriate and in the public interest. By appointing a p-ANI administrator and providing PSAPs and industry with additional time, the FCC will enable Vonage to achieve this Commission's objectives and the public interest will be served.

3. ILEC Shell Record Cooperation Is a Necessary Prerequisite for Enabling PSAP Capability; Shell Record Cooperation is Beyond Vonage's Control

As discussed in Section II, the shell records are the vehicle that permits PSAPs to receive ANI and the Registered Location. These records cannot be created without the active participation and cooperation of the ILECs. Without the shell records, PSAPs are unable to directly process the ANI and the Registered Location.

Despite Vonage's best efforts, certain ILECs have refused to cooperate to implement and load shell records within the timeframes required to meet the November 28 deadline:

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41 A copy of ATIS's letter supporting NANC's request is attached hereto as Exhibit 25.

42 Congressman Joe Barton, Chairman, House Energy and Commerce Committee, Congressman John D. Dingell, Ranking Minority Member, House Energy and Commerce Committee, Congressman John Shimkus, Congressman Chip Pickering, Congressman Bart Gordon, Congressman Fred Upton and Congresswoman Anna Eshoo.

- BellSouth and Citizens have been unwilling or unable to cooperate in the creation of the shell records, requiring Vonage to engage in a cumbersome, PSAP by PSAP process that is not conducive to national deployment of E911 service within 120 days.
- SBC has refused to notify Vonage when a PSAP's shell record has been fulfilled, requiring Vonage to expend valuable time and resources to check and confirm the completion of shell records in order to schedule uploads to the ALI database and PSAP testing.
- Sprint has refused to provide shell records before p-ANIs have been assigned. To date, no shell records have been created in Sprint territory.

Vonage notes that Verizon had none of this difficulty in shell record creation or deployment. Vonage has no reason to believe that shell record creation procedures could not be implemented in a uniform manner across territories. While Vonage believes that most of these delays are unreasonable – they are undeniably fully outside of Vonage's direct control.

By allowing Vonage and PSAPs additional time to coordinate shell record creation and by taking additional measures to encourage the ILECs to fully cooperate with PSAPs in shell record creation and deployment, the Commission will advance both the objectives of this Order and the public's interest in receiving E911 enabled VoIP services.

4. PSAP Readiness and PSAP Cooperation are Beyond Vonage's Control

As discussed in Section II, no matter how hard Vonage works to implement E911, it cannot deploy a final solution without PSAP cooperation. PSAP readiness is essential to the testing and deployment of E911. PSAP cooperation is further necessary in order for PSAPs to be able to make the ALI inquiries and receive the ANI and Registered Location information that Vonage transmits. Although many PSAPs are eager to accept 911 calls from Vonage's

customers and have worked hard with Vonage to become a Capable PSAP, as discussed in Section II, other PSAPs have been unable or uninterested in implementing VoIP 911 or have been openly hostile to receiving calls at this time.

Whatever the reason for their refusal to cooperate, some PSAPs ultimately are not ready or willing to become Capable PSAPs by the November 28th date. Because PSAP cooperation is outside of Vonage's immediate control, to the extent necessary or required, an extension and waiver of the rules is warranted. Vonage respectfully requests that the Commission explore other measures that it might undertake – perhaps through the exercise of its ancillary jurisdiction – in order to encourage the cooperation of these essential third parties.

5. Each of These Circumstances Are Entirely Outside of Vonage's Control and a Limited Waiver and Extension is Justified

As discussed above, the requested relief is due to situations outside of Vonage's control. These include (i) delays resulting from the inability to obtain p-ANI assignments either because ILECs are unwilling to voluntarily make them available or because the FCC has not yet appointed a p-ANI administrator; (ii) ILEC delays in provisioning shell records and providing access to data required for enabling Capable PSAPs; and (iii) issues related to PSAP readiness.

For all of the above reasons, Vonage requests an extension of time, and to the extent necessary waiver of Sections 9.5(b) and (c) of the Commission's rules**.** Although the individual PSAPs and the requested extended deadlines are included in Appendices B (extension to December 31, 2005), C (extension to March 31, 2006), and D (June 30, 2006), Vonage summarizes the appendices as they pertain to the service areas of the major ILECs in the following paragraphs:

In the case of PSAPs served by selective routers within Verizon's ILEC service territory, to the extent necessary, Vonage seeks an extension of time until December 31, 2005 for 328

PSAPs, March 31, 2006 for 338 PSAPs, and June 30, 2006 for 111 PSAPs. While Verizon has been very cooperative and worked closely with Vonage to deploy E911 throughout its territory, there are several factors outside of Vonage's and Verizon's direct control and not likely anticipated by the Commission that have delayed Capable PSAPs within Verizon's territory. As outlined herein and in Exhibit 24, these include: (i) the unique process adopted by the state of California in late October; (ii) shell record uploading delays that have resulted from attempting to meet the ambitious 120 day deadline; (iii) the time required to order and provision direct facilities to selective routers outside of Vonage's CLEC solution; and (iv) individual state and PSAP readiness issues described in Section II**.**

In the case of PSAPs served by selective routers within BellSouth's ILEC service territory, to the extent necessary, Vonage seeks immediate unrestricted access to p-ANI and an extension of time until December 31, 2005 for six PSAPs, March 31, 2006 for 14 PSAPs, and June 30, 2006 for 678 PSAPs. As explained above, BellSouth's refusal to provide p-ANI and its cumbersome, PSAP by PSAP shell record requirements have significantly hampered PSAP Capability. Vonage believes these restrictions are unreasonable. Nevertheless, the ability to overcome them is outside of Vonage's direct control.

In the case of PSAPs served by selective routers within SBC's ILEC service territory, to the extent necessary, Vonage seeks the immediate unrestricted access to p-ANI and an extension of time until December 31, 2005 for 310 PSAPs, March 31, 2006 for 987 PSAPs, and June 30, 2006 for 173 PSAPs. As with BellSouth, SBC's lack of cooperation in the areas of p-ANI and shell records has significantly impaired PSAP Capability. Again, although Vonage believes these restrictions are unreasonable, the ability of the company to overcome these procedures is beyond Vonage's immediate control.

In the case of PSAPs served by selective routers within Qwest's ILEC service territory, Vonage seeks the immediate unrestricted access to p-ANI and, to the extent necessary, an extension of time until December 31, 2005 for 78 PSAPs, March 31, 2006 for 72 PSAPs, and June 30, 2006 for 344 PSAPs. As with BellSouth, Qwest's lack of cooperation in the areas of p-ANI and shell records has significantly delayed PSAP Capability within the Qwest territory.

In the case of PSAPs served by selective routers within Sprint's ILEC service territory, Vonage seeks similar access to p-ANI and an extension of time, to the extent necessary, until December 31, 2005 for three PSAPs, March 31, 2006 for 144 PSAPs, and June 30, 2006 for 111 PSAPs. As with BellSouth, Sprint's lack of cooperation in the areas of p-ANI and shell records has significantly delayed the PSAPs' ability to become Capable.

In the case of PSAPs served by selective routers within other ILECs' service territories, Vonage seeks an extension of time in accordance with Appendices B, C and D.

To meet the timeline proposed above, Vonage must first have the cooperation of the ILECs to provide p-ANIs. Except for Verizon, the ILECs have been delaying the provision of p-ANIs or have not provided them at all. This discrete problem could be easily solved if the Commission were to appoint a p-ANI administrator. Vonage will also need the cooperation of the ILECs and ALI database providers to create and upload shell records. This problem could easily be solved if each ILEC would create a uniform shell record throughout its territory, as Verizon did. Finally, Vonage is also dependant upon PSAP readiness. Unless the PSAP has the process and procedures in place to test E911 calls with Vonage, safety answering points will face serious difficulties in becoming Capable PSAPs.

In sum, to the extent necessary, Vonage meets the standard for a limited extension of time necessary to comply with the Commission's E911 rules. Vonage has shown that it has

completed all elements of its E911 solution that are within its direct control. Vonage has also shown that it has expended substantial time and resources attempting to negotiate and obtain access to critical inputs provided by third parties that are necessary to complete its E911 solution. Despite Vonage's substantial efforts, critical third-party inputs are still not available thus preventing Vonage from meeting its obligations for 100 percent of its customers as of November 28, 2005. Nevertheless, Vonage has outlined the conditions under which it can obtain access to these critical inputs and shown the Commission that it has a plan to achieve full compliance, provided that p-ANIs and ILEC and PSAP cooperation are forthcoming. As such, Vonage respectfully submits that it meets the criteria under Section 1.3 of the rules for a limited waiver.

B. Public Interest Supports Allowing Vonage the Ability to Market and Provide Service to New Subscribers Receiving Proper Disclosures

The Enforcement Bureau's Public Notice issued on November 28, 2005 at page 5,[43] permits interconnected VoIP service providers to continue to provide interconnected VoIP service to existing customers during the period of additional time that they need to comply with the requirements of Sections 9.5(b) and (c) of the rules. If and to the extent that a waiver of Section 9.5(b)(1) of the rules is needed to continue to provide such service, Vonage seeks limited waiver of the rule. However, Vonage submits that the Public Notice already recognizes that continued service to such customers is in the public interest. In addition, if and to the extent necessary, Vonage seeks further limited waiver of Section 9.5(b)(1) of the rules[44] to permit

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[43] *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters,* WC Docket No. 04-36, WC Docket No. 05-196, DA 05-2945, November 7, 2005.

[44] The Enforcement Bureau stated that it "expect[s] that such providers will discontinue marketing VoIP service, and accepting new customers for their service, in all areas where they are not transmitting 911 calls to the appropriate PSAP in full compliance with the Commission's rules." *Id.* at 5. To the extent required, Vonage also seeks a waiver of this expectation included in the Public Notice.

Vonage to continue to market interconnected VoIP service and sign up new customers during the period of additional time that Vonage needs to comply with the requirements of Sections 9.5(b) and (c) of the rules, as well as in the limited areas where it seeks a longer term exemption until selective router access can be enabled.

Vonage is the leading VoIP provider, offering services to both residential and business customers. Its ability to compete with ILECs, CLECs and wireless companies results in more choices of service and better prices for service. Both Congress and the Commission have long held that the public benefits from competitive forces that bring choices and better prices to consumers.

As required by Commission rules, Vonage undertook an extensive notice campaign to ensure that its customers understand and acknowledge the difference between Vonage's pre-E911 offering, referred to as "911 Dialing," and traditional E911 service. To date, more than 98 percent of Vonage's customers have acknowledged that they understand these differences and have maintained their Vonage service notwithstanding the fact that Vonage may not have yet implemented E911 in their area.

Vonage's customers prefer Vonage's service for a number of reasons, including but not limited to price, mobility, and the ability to obtain non-geographic numbers. If the Commission were to prohibit Vonage from signing up new customers in those areas where it is not fully E911 capable, the Commission would be denying consumers the freedom to choose a competitive alternative with the full knowledge that such alternative does not offer E911. Given that Vonage has disclosed the limits of its 911 dialing service, and that Vonage provides customers the ability to determine whether they currently have 911 or E911 service, the customer should have the

right to choose whether traditional E911 service is more important than the many features and options, including pricing and mobility, they receive when purchasing a Vonage service.

Any marketing and new subscriber prohibition would also have the perverse effect of punishing Vonage and rewarding those ILECs who have been unwilling to cooperate with Vonage in arranging for E911 service. In other words, it creates powerful disincentives for providers to participate in such cooperative initiatives. For example, a carrier such as Qwest, that has not offered to make p-ANIs available, would be rewarded with an expectation that nomadic VoIP providers are prevented from selling their competitive services throughout its territory as long as it continues to deny access to this essential E911 element. Verizon on the other hand, having worked in earnest to achieve the objectives of this Commission, must tolerate the fact that Qwest will receive a marketplace advantage that Verizon will not.

Rather than using the E911 system as a competitive lever, Verizon has properly acknowledged that the E911 system is a public trust and, as such, has undertaken good faith efforts to comply with the spirit and goals of the *Order*. To convey an advantage to ILECs who have not shown Verizon's level of cooperation will not only encourage further obstruction, but will send precisely the wrong signal regarding this Commission's objectives concerning industry cooperation as well as the future of the E911 system.

While public safety and the customers situated in Verizon's footprint are ultimately rewarded for the company's efforts – it seems unreasonable and contrary to clear objectives of the Communications Act and the *Order* to enforce a marketing restriction on Vonage that would have no effect but to deny fully informed customers the opportunity to obtain a nomadic VoIP service that is currently available to other grandfathered customers notwithstanding the E911 limitations. This policy seems even more unreasonable when the result would be to do nothing

more than safeguard the selfish interests of those ILECs who have done nothing but flaunt this Commission's reasonable call to put aside short term competitive interests and take steps necessary to protect this Nation's homeland security and public safety.

C. Request for Limited Waiver of Section 9.5(b) of the Rules

Even after Vonage is able to obtain p-ANIs and shell records, there will still be three categories of customers who will not be able to have their E911 calls completed exactly in the manner as required by Section 9.5(b) of the rules. They include (1) existing customers who never registered their location despite diligent efforts on the part of Vonage as well as customers who have not updated their Registered Location, (2) customers using softphones, and (3) customers who are located in PSAP service areas where Vonage does not have trunks connected to the selective routers serving those PSAPs, as well as customers who use their service nomadically and roam outside of Vonage's E911 coverage area.

For these customers, if and to the extent necessary, Vonage requests a limited waiver of Section 9.5(b) of the rules to permit an alternate solution that provides for delivery of the 911 call to the PSAP.

1. Customers Who Are Not Registered or Who Have Not Updated Their Registered Location

After the Commission issued its *Order,* Vonage made a diligent effort to obtain a Registered Location for each existing customer.[45] However, despite its diligent effort, approximately two percent of Vonage's existing customer base has not provided Registered Locations and Vonage has defaulted to the billing or shipping address initially provided by the

[45] All new customers are required to provide a Registered Location as a prerequisite to receipt of service as required by Section 9.5(d)(1) of the rules. For existing customers who had not provided a Registered Location, Vonage sent E-mails on October 26 and November 3, 8 and 10, 2005 requesting that those customers confirm their Registered Location information.

customer and confirmed by Vonage in emails dated November 10, 2005. Vonage will send an additional E-mail to those customers within the next ten days to confirm that the Registered Location address conversion has been completed and will follow-up with voicemail messages to any customers for whom the E-mails are returned as undeliverable. Vonage will continue to work to contact the remaining customers in order to confirm Registered Location information.

If a customer has not updated his or her Registered Location and the call ends up in a PSAP not serving that customer's new location, the call will be redirected to the national call center so that it can be connected to the correct PSAP.

2. Customers With Softphones and WiFi Phones

Customers with softphones and WiFi phones present a special challenge for effective 911 service. A softphone is basically a laptop computer with a headset and/or a cell-phone sized computer that can double as a VoIP phone. A WiFi phone is a softphone that is capable of establishing a broadband connection at a WiFi hotspot. Unlike the typical nomadic subscriber who changes location periodically and can update his or her location with each location change, the customer with a softphone or WiFi phone is constantly changing location, not unlike a wireless telephone subscriber. Because it is burdensome on a customer to constantly register a new location, and the customer is not at any location for very long, the softphone or WiFi customer may not bother to register his or her location. For these customers the safety net national call center is currently the best means of making sure that the 911 call is delivered to the correct PSAP.

Vonage's 911 solution for customers with softphones and WiFi phones as well as unregistered customers and customers without updated Registered Locations is an interim solution. Eventually, standards will be established for automatic location identification, and there will no longer be a need for Registered Locations. Until that time comes, however, the

safety net national call center is an effective means of making sure that all 911 calls are connected to the proper PSAP.

3. Customers Located in Areas Where there Are Fewer than 100 Vonage Customers Behind the Selective Router and Customers that Roam Outside of Vonage's E911 Coverage Area

Although Vonage's CLEC solution and direct ILEC build will connect approximately 90 percent and 95 percent of its subscriber lines, respectively, to the approximately 400 selective routers through which they will receive E911 service, several thousand of Vonage's customers will be located in areas served by selective routers which serve less than 100 Vonage customers. In addition, many of Vonage's other customers could potentially locate in such areas on a nomadic basis. Generally, these selective routers serve sparsely populated rural areas.

Vonage has looked into the possibility of establishing its own trunks in these areas. However, the cost of doing so is simply prohibitive. Depending upon the ILEC, a trunk can cost approximately $1500 to $2700 per trunk per month, and there must be at least two trunks connected to each selective router. In sum, even assuming there were 99 Vonage customers to share the cost of providing 911 service exactly in the manner required by Sections 9.5(b) and (c) of the rules, it would cost approximately $20-25 per customer/month when the base of customers is below the 100 customers per Selective Router ratio just to connect to each selective router to provide E911 service, effectively pricing Vonage out of the market to offer a competitive alternative service to rural customers in those areas.

As already noted, Vonage has put in place the processes and systems necessary to monitor its subscribers and network and determine when its E911 solution needs to be supplemented. In the case of selective routers serving less than 100 customers, Vonage will monitor those routers to determine if and when the number of customers equals or exceeds 100

for three consecutive months.[46] Once this threshold is met, Vonage would require an additional 90 to 120 days to obtain connectivity to the selective router, access to p-ANI and shell records, and test and turn up E911 service to such an area. Therefore, over time, the number of PSAPs not receiving E911 calls through the selective routers will decrease as Vonage's subscriber base increases.

In short, requiring Vonage to deploy E911 service in compliance with the rules in these areas would be a market barrier to entry. Vonage's customers and potential customers would be deprived of access to a competitive service provider, in some cases, perhaps the only competitive alternative to the ILEC. In the case of nomadic customers, they would be deprived of one of the key and innovative benefits of Vonage's service—the ability to take their phone number with them to any broadband connection within the United States. Given that Vonage has disclosed the limits of its 911 dialing service, and that Vonage provides customers the ability to determine whether they currently have 911 or E911 service, the customer should have the right to choose whether traditional E911 service is more important than the many features and options, including pricing and mobility, they receive when purchasing a Vonage service. Since these customers will have acknowledged the differences between 911 dialing and E911, and the 911 service provided through the call center will be functionally equivalent to 911 service provided through the selective routers, the underlying intent of Section 9.5(b) of the rules will be served, and thus permanent limited waiver of the rules will satisfy the public interest.

[46] Because Vonage's service is nomadic, it is possible that seasonal travel or a large event could spike customer numbers behind a particular router for a short period of time.

4. Vonage's Proposed Alternative Where Calls Are Not Delivered to the Wireline E911 Network

As discussed in Section II, since May 2005, Vonage's safety net national call center has been manned by APCO-33 trained call takers 24x7x365. The call taker receives the caller's call-back number, address, and other relevant emergency information, verifies the information, and then stays on the line while connecting the caller to the nearest PSAP or first responder available. The caller's Registered Location information will be automatically available to the call taker. As a result of its ability to handle calls from softphones and WiFi phones, the call center has capabilities not available to subscribers of other VoIP services.

The way Vonage's call center operates is very similar to what Section 25.284 of the Commission's rules requires for mobile satellite service ("MSS") emergency call centers. Specifically, Section 25.284 states in pertinent part: "Emergency Call Center personnel must determine the emergency caller's phone number and location and then transfer or otherwise redirect the call to an appropriate public safety answering point."[47] In adopting the MSS call center rule, the Commission recognized that the MSS call center was a workable solution given the fact that satellite carriers were not capable of providing basic 911 service.[48] Similarly, Vonage's safety net national call center is a workable solution for those limited instances where E911 service cannot be connected through the selective router.

For the safety net national call center to work effectively, each PSAP needs to have a ten-digit phone number so that the national call center operator can forward the call to the appropriate PSAP. While Vonage recognizes that ten-digit dialing is an interim i1 solution, it

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47 47 C.F.R. § 25.284.

48 *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, IB Docket No. 99-67,* Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd. 25340 at para.24 (2003).

has undergone significant improvements which remain an effective alternative to an i2 solution in certain limited instances. For example, Vonage understands that all PSAPs within the state of Maryland have ten digit phone numbers that are answered 24/7 with the calls given the same priority status as an E911 call received through the selective router.

As part of its PSAP outreach efforts, Vonage has updated its list of ten-digit PSAP numbers and Vonage continually audits those numbers to ensure its customers do not reach a recording. Together, the audited ten-digit dialing numbers and the trained safety net call center operator are a significant improvement over the interim solution initially endorsed by NENA, Vonage, and the VON Coalition. In fact, some PSAPs have expressed a preference to retain the i1 solution so that resources can be devoted to moving directly to i3, to develop stronger operational elements for VoIP or to other important public safety purposes. Therefore, Vonage respectfully submits that to the extent required, a limited waiver of Section 9.5(b) of the rules to permit continued use of the improved Vonage i1 solution as described herein is in the public interest.

D. Clear Path to Full Compliance

Assuming access to p-ANIs, ILEC readiness, including ILEC cooperation with the creation of shell records, and PSAP readiness, Vonage can demonstrate a clear path to compliance. As discussed earlier, Capable PSAPs would be able to receive calls in accordance with the timetables shown in Appendix B (by December 31, 2005), Appendix C (by March 31, 2005) and Appendix D (by June 30, 2006).

In addition, the safety net national call center will be used to connect customers to the correct PSAP as well as provide a call back number and the Registered Location in instances where they cannot be connected through the selective router. Thus the underlying intent of Section 9.5(b) of the rules will be fulfilled.

E. The Waiver Standard Has Been Met

As discussed in Section III, Section 1.3 of the Commission's rules calls for the Commission to grant a waiver for good cause shown. Vonage has made the requisite good cause showing for additional time. Vonage has demonstrated with considerable detail its diligent efforts to implement E911 service as required by the *Order*, it has also demonstrated that the delays were due to circumstances far beyond its immediate control. Further, as outlined herein it has shown a clear path to full compliance.

Because Vonage's full compliance with Sections 9.5(b) and (c) of the rules is dependent upon the cooperation and support of third party ILECs and PSAPs, Vonage has no reasonable alternative but to seek a waiver for additional time—to the extent that limited waiver of Section 9.5(b) of the rules is needed—so that for some customers 911 calls can be delivered to the PSAPs by means of the safety net national call center rather than through selective routers. Vonage has demonstrated that the national call center would serve the public interest as well as the underlying purpose of the rule, which is to connect 911 calls to the PSAP. Simply put, the national call center is used to connect the call to the PSAP when the call cannot be connected automatically through the selective router for whatever reason.

Lastly, Vonage has demonstrated the public interest need for a waiver of Section 9.5(b)(1) of the rules so that it can continue to market and sign up new customers while taking the time that is needed to come into compliance with Sections 9.5(b) and (c) of the rules. Application of the rule to prohibit marketing and signing up new customers would be inequitable because it would punish Vonage, which has worked diligently to come into compliance, and would reward those ILECs that have failed to provide cooperation and support in implementing E911 service. It would be unduly burdensome because it would have an adverse impact on Vonage's ability to follow its business plan. It would be contrary to the public interest because it

would limit Vonage's ability to offer the public the benefits of competitive service. Lastly, application of the rule would provide Vonage with no reasonable alternative because Vonage must follow its business plan to be successful, and it is totally unreasonable to punish a company and reward a competitor for the unreasonable behavior of the competitor.

F. Reporting Requirements

To assist the Commission in its efforts to safeguard the public interest and ensure that E911 is implemented in accordance with the requirements of the *Order*, Vonage will provide the Commission with regular updates and reports demonstrating Vonage's continued push to provide all customers in the nation with fully capable E911 service. Reports will be provided in accordance with whatever timetable is set by the Commission.

V. CONCLUSION

Vonage respectfully submits that grant of the extension of time, and if and to the extent necessary, grant of the limited waiver requests set forth above will serve the public interest by enhancing the ability of the public to access emergency services and avoiding customer disruption and confusion. Vonage respectfully submits that good cause exists to grant the requested limited waivers if and to the extent such limited waivers are necessary.

Respectfully submitted,

/s/

William B. Wilhelm, Jr.
Tamar E. Finn
Eliot J. Greenwald
Edward S. Quill, Jr.
Swidler Berlin LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Telephone: (202) 424-7500
Facsimile: (202) 424-4645

November 28, 2005

Attorneys for Vonage America Inc.

LIST OF EXHIBITS

Appendices

A PSAPs Capable as of November 28, 2005

B PSAPs to be Capable by December 31, 2005

C PSAPs to be Capable by March 31, 2006

D PSAPs to be Capable by June 30, 2006

Exhibits

1 Letter dated November 4, 2005 from NENA to Chairman Kevin J. Martin

2 Letter dated September 19, 2005 from John Cummings and Martin Hakim Din to National Emergency Number Association, re: I2 Standard: Comments of Vonage America, Inc.

3 Letter dated November 22, 2005 from John Cummings, ENP, Vonage America, Inc. to David F. Jones, ENP, National Emergency Number Association, re: i2 Technical Standard: Vonage America Comments

4 Convention of the Statewide Stakeholders for VoIP E911 Deployment

5 Vonage E911 Milestones

6 December 1, 2003 Agreement between NENA and Public Safety Providers

7 Letter dated November 28, 2005 from TeleCommunications Systems to Chairman Kevin J. Martin

8 Letter dated November 28, 2005 from Compass Technology Services to Chairman Kevin J. Martin

9 VoIP PSAP Outreach Checklist

10 PSAP Information Kit

11 PSAP Outreach Script

12 Letter dated November 21, 2005 from Wisconsin NENA to Vonage

13 Letter dated November 21, 2005 from La Crosse County Emergency Services to Vonage

14 Letter dated November 23, 2005 from State of Montana Department of Administration Information Technology Services Division to Vonage

15 E-mail from Charles F. Werner

16 E-mail from Philip J. Kubisztal

17 Letter dated November 22, 2005 from the Commonwealth of Massachusetts Statewide Emergency Telecommunications Board to Vonage

18 E-mail dated November 17, 2005 from James G. Argiropoulos of the City of Chicago to Chris Mizera of Vonage

19 Series of e-mails between Joseph James of City of Philadelphia and Angel Arocho of Vonage

20 Letter dated November 10, 2005 from Vonage to St. Charles County

21 Letter dated November 10, 2005 from Louisiana NENA to Vonage

22 Letter dated November 21, 2005 from Mississippi NENA to Vonage

23 Letter dated November 22, 2005 from by AK Associates Inc. to Vonage

24 Implementation Efforts in Specific ILEC Territories

25 Letter dated November 2, 2005 from Alliance for Telecommunications Solutions' Emergency Service Interconnection Forum to Chairman Kevin J. Martin